

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLARENCE PENDERGRASS, JR.,

Plaintiff,

No. CIV S-05-0728 DFL GGH P

vs.

R.C.C.C., et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____/

Plaintiff is a state prisoner proceeding pro se with a civil rights action. The court has concurrently issued an order addressing the claims contained in the original complaint filed April 14, 2005. The court found that the complaint stated a colorable claim against defendant Barnes only. Accordingly, for the reasons stated in that order, the court now recommends dismissal of the claims against all defendants but defendant Barnes.

IT IS HEREBY RECOMMENDED that the claims contained in the original complaint filed April 14, 2005, against all defendants but defendant Barnes be dismissed.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's

Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: 8/30/05

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

ggh:kj
pen728.56